

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GAYL PAYTON

vs.

NANTUCKET PARTNERS, L.P., and
RICHMARK PROPERTIES, INC.

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Case No. 4:10-cv-00143
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 3, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss should be denied.

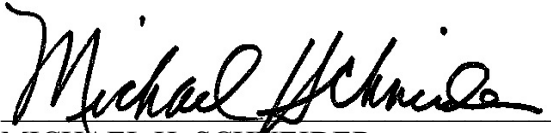
The Court has made a *de novo* review of the objections raised by Defendants. One of Defendants' objections is that Plaintiff has not filed an amended complaint, as ordered by the Court. However, Plaintiff only received the Report and Recommendation on August 10, 2010, which would make the amended complaint due on August 24, 2010. Therefore, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss (Dkt. #8) is DENIED.

It is further **ORDERED** that Plaintiff shall file an amended complaint no later than August 24, 2010.

IT IS SO ORDERED.

SIGNED this 19th day of August, 2010.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE